

## MRS. C. W. SELBY

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NOVEMBER 26 (legislative day, NOVEMBER 18), 1943.—Ordered to be printed

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Mr. ELLENDER, from the Committee on Claims, submitted the following

## REPORT

[To accompany H. R. 3039]

The Committee on Claims, to whom was referred the bill (H. R. 3039) for the relief of Mrs. C. W. Selby, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts will be found fully set forth in House Report No. 834, Seventy-eighth Congress, first session, which is appended hereto and made a part of this report, and your committee concur in the recommendations of the House.

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[H. Rept. No. 834, 78th Cong., 1st sess.]

The Committee on Claims, to whom was referred the bill (H. R. 3039) for the relief of Mrs. C. W. Selby, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The purpose of the proposed legislation is to appropriate the sum of \$30 to Mrs. C. W. Selby of Chester, Md., in full settlement of all claims against the United States for the loss sustained as the result of cashing a money order by a person having the same initials and last name with the same address as the person for whom the money order was intended.

## STATEMENT OF FACTS

It appears that during the month of September 1941, Mrs. Selby purchased a money order for \$30 at Chester, Md. She failed to give the full name of the payee, Ernest H. Smith, or his street address. She had the money order made payable to E. H. Smith, Hannibal, Mo. The Mr. Smith for whom the money order was intended visited Hannibal, Mo., for a short time but did not live there regularly. However, there was a permanent resident of Hannibal by the name of E. H. Smith, whose name was listed in the city directory. The letter containing the money order fell into his hands, and he cashed it, after properly identifying himself. The E. H. Smith for whom the money order was intended did not receive the letter at all. There was no negligence on the part of the Government in effecting payment of the money order. When the fact of the wrong payment was established, the Department endeavored to collect the amount of the money order from the

person who had received payment but found it impossible due to his financial condition.

Your committee recommend favorable consideration to the proposed legislation. Appended hereto is the report of the Post Office Department, together with other pertinent evidence.

POST OFFICE DEPARTMENT,  
Washington, D. C., July 26, 1943.

HON. DAN R. MCGEHEE,  
Chairman, Committee on Claims,  
House of Representatives.

MY DEAR MR. MCGEHEE: Reference is made to your letter of June 29, requesting a report on H. R. 3039 for the relief of Mrs. C. W. Selby, of Chester, Md., in the sum of \$30, on account of the cashing of a money order in that amount by a person of the same name as the person for whom the order was intended.

The investigation of this case disclosed that in purchasing money order 110359 in the amount of \$30 at Chester, Md., on September 6, 1941, Mrs. Selby failed to give the full name of the payee, Mr. Ernest H. Smith, or a street address for him at the office of address. She had the order made payable to E. H. Smith, Hannibal, Mo. The Mr. Smith for whom the order was intended visited Hannibal for a short time but did not live there regularly. However, there was a permanent resident of Hannibal by the name of E. H. Smith, who is listed under that name in the city directory. The letter containing the money order fell into his hands, and he cashed the order after properly identifying himself. In these circumstances it cannot be said that there was any negligence on the part of the Government in effecting payment of the order. When the fact of wrong payment was established the Department endeavored to collect the amount of the order from the person who had received payment but found it impossible to do so because of his financial condition. Its legal liability to the remitter would appear to have been discharged when proper efforts were made to effect such collection.

The above report is made without a definite recommendation as to the merits of the pending bill as it is believed properly determinable as a matter of legislative policy whether in these circumstances relief shall be granted.

It has been ascertained from the Bureau of the Budget that this report is in accord with the program of the President.

Very truly yours,

FRANK C. WALKER,  
Postmaster General.

CHESTER, MD., September 26, 1943.

On September 6, 1941, I sent to E. H. Smith, money order No. 110359, in the amount of \$30, in care of General Delivery via air mail to Hannibal, Mo. The payee of this money order, Mr. E. H. Smith, advises this money order was never received by him.

Mrs. C. W. SELBY.

Personally appeared before me, a notary public in and for county of Queen Anne, State of Maryland, this 27th day of September A. D. 1943, Mrs. C. W. Selby, who made oath in due form of law that the above statements are true. Witness my hand and official seal this 27th day of September A. D. 1943.

[SEAL]

CARLTON R. LEGG,  
Notary Public.

My commission expires May 7, 1945.

CHESTER, MD.

On September 8, 1941, Mrs. C. W. Selby, of Chester, Md., advised me she sent me a United States money order in the amount of \$30, addressed to me in care of General Delivery, Hannibal, Mo. This money order has never been received by me. I understood from the Post Office Department that another E. H. Smith received this money order and cashed the money order. All the papers pertaining to this case are in the hands of the Solicitor General, Washington, D. C.

E. H. SMITH.

Personally appeared before me, and being personally known to me, E. H. Smith, who made oath in due form of law that the above statements are true. Witness my hand and official seal this 27th day of September A. D. 1943.

[SEAL]

CARLTON R. LEGG,  
*Notary Public.*

My commission expires May 7, 1945.

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UNITED STATES POST OFFICE,  
*September 27, 1943.*

[Postmarked:] Chester, Md., September 27, 1943.

Duplicate money order receipt.

Remitter: Mrs. C. W. Selby, Chester, Md.

Payee: E. H. Smith, Hannibal, Mo.

S. A. SEWELL,  
*Postmaster, Chester, Md.*

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UNITED STATES POST OFFICE,  
*September 27, 1943.*

[Postmarked:] Chester, Md., September 27, 1943.

Duplicate money order receipt No. 110359.

Amount: \$30.

Date: September 6, 1941.

Issued at Chester, Md., Post Office No. 56149.

Drawn on Hannibal, Mo.

This duplicate money order receipt issued by S. A. Sewell, postmaster, Chester, Md.

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